

REMARKS/ARGUMENTS

Claims 1-42 are pending in the present application. In the above amendments, currently presented claim 15 has been amended to correct a typographical error in the Examiner's Amendment that issued with the Notice of Allowance on June 12, 2009, as is explained in more detail below. Therefore, after entry of the above amendments, claims 1-42 will be pending in this application. The Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

Interview Summaries

The Applicants wish to thank Examiner Graham for the courtesies extended in granting the Applicants' representative James J. Bindseil, Reg. No. 42,326, a number of telephonic interviews.

During an Interview on March 31, 2009, during which no exhibits were shown and no demonstrations were conducted, independent claim 1 was discussed with regard to the 35 USC § 101 rejection, and independent claims 1, 7, 11, 15 and 19 were discussed with regard to the 35 USC § 103(a) rejection as being unpatentable over Mikurak (US 6,606,744) and Reed (US 6,757,710).

The Examiner agreed that claim 1, based on the "providing" act occurring at a server, defined statutory subject matter. Thus, the Examiner agreed to withdraw the rejection of claim 1 under 35 USC § 101.

The Examiner agreed that independent claims 1, 7, 11, 15 and 19, based on the pending recited subject matter, were patentable over Mikurak and Reed, which fail to disclose or suggest each and every recited feature of these claims. Further, the Examiner agreed to issue an Examiner's Amendment to re-state the terms "allows for" and "operable" in a different manner in independent claims 1, 7, 11, 15, and 19.

Thus, based on the foregoing, the Examiner agreed to issue a Notice of Allowance.

Additionally, on May 19, 2009, the Applicants' representative James J. Bindseil spoke with Examiner Graham to inquire about the status of the Examiner's Amendment and Notice of Allowance. Examiner Graham indicated that he submitted the paperwork for the allowance on May 12, 2009, and that according to USPTO procedure, the Examiner's Amendment and Notice of Allowance would normally be mailed in about 1 week from his May 12, 2009 submission. Thus, the Examiner suggested that the Applicants check back with the office if the Examiner's Amendment and Notice of Allowance were not mailed by May 22, 2009.

On May 5, 2009, the Applicants' representative James J. Bindseil spoke with Examiner Thomas Dickson, a SPE in Art Unit 3696, and he indicated that the file was returned due to a procedural issue, and that the file was with an Examiner Poinvil instead of Examiner Graham. Examiner Dickson stated he would notify Examiner Poinvil when he returns to the office so that the allowance can proceed.

On May 28, 2009, the Applicants' representative James J. Bindseil received a call from Examiner Poinvil, who indicated that the file was returned because of a missing signature. Examiner Poinvil indicated that he would provide the missing signature and forward the file for allowance, which he expected to issue within a week.

On June 12, 2009, the Office mailed a Notice of Allowance including an Examiner's Amendment according to the above-noted interview.

On September 4, 2009, the Applicants' representative James J. Bindseil left voice messages for Examiner Graham, indicating that a typographical error existed in the Examiner's Amendment that accompanied the Notice of Allowance. Specifically, on page 4, the Examiner's Amendment refers to "Claim 5" in two places, however, the respective claim is actually --Claim 15--.

On September 8, 2009, the Applicants' representative James J. Bindseil and Examiner Graham had a telephone conversation regarding the above-noted typographical error. Further, Mr. Bindseil identified a "Claims" document that was entered into the record on 7-2-09, where someone with the initials "BJ" hand-marked page 4 of the allowance to make the correction from

“Claim 5” to --Claim 15--. Neither Mr. Bindseil nor Examiner Graham knew who “BJ” was, and thus it appeared that the change was not officially entered. As such, during the conference, Examiner Graham agreed to re-issue the Notice of Allowance to include a revised Examiner’s Amendment to change the reference from “Claim 5” to --Claim 15--, thereby re-setting the time for responding and paying the issue fee.

Additionally, Mr. Bindseil expressed concern over the short time period before the current issue fee payment was due, and Examiner Graham stated that he would file the appropriate paperwork to get the new Notice of Allowance, including the revised Examiner’s Amendment, issued as soon as possible, but that he could not promise anything as the process was out of his control.

On September 10, 2009, the Applicants’ representative James J. Bindseil and Examiner Graham had a telephone conversation, where Mr. Bindseil pointed out that the new Notice of Allowance was not yet listed on the PAIR system. Examiner Graham checked his records and said he would call the department responsible for processing the paperwork for issuing the new Notice of Allowance, including the revised Examiner’s Amendment, which would thus reset the issue fee payment deadline. The Examiner agreed to call Mr. Bindseil the following day to report on his findings.

On September 11, 2009, the Applicants’ representative James J. Bindseil and Examiner Graham had a telephone conversation, where Examiner Graham confirmed that the new Notice of Allowance, including the revised Examiner’s Amendment, was in process. Mr. Bindseil expressed concern that the new documents did not yet show up on PAIR, and the Examiner stated he would try to push things through, although it was out of his control. Further, the Examiner noted that the issue fee could still be paid on the original deadline, and would thus already be paid once the new Notice of Allowance, including the revised Examiner’s

Amendment, actually issued. Mr. Bindseil thanked Examiner Graham for his help, and they agreed to try to talk again on Monday September 14, 2009, to follow-up on the status.

On September 14, 2009, the Applicants' representative James J. Bindseil left two voice messages for Examiner Graham, where Mr. Bindseil indicated that the new Notice of Allowance, including the revised Examiner's Amendment, still was not listed in PAIR.

Subsequently, on September 14, 2009, the Applicants filed the present Amendment in conjunction with the filing of a Request for Continued Examination (RCE).

CONCLUSION

In light of the amendments contained herein, the Applicants respectfully submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated September 14, 2009

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